



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 02846-99

12 November 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LT [REDACTED] USNR, [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 16 Apr 99 w/attachments,
incl Subject's fax dtd 3 Nov 99
(2) PERS-85 memo dtd 22 Jun 99
(3) PERS-312E memo dtd 27 Sep 99
(4) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected by changing his DD Form 214 ("Certificate of Release or Discharge from Active Duty") to read "LT" (lieutenant) in block 4.a. ("grade, rate or rank") and "O3" in block 4.b ("pay grade"), vice "LTJG" (lieutenant junior grade) and "O2" respectively. He further requested that the date of rank and effective date of his promotion to lieutenant be adjusted from 24 November 1998 to 1 November 1998, and that he be granted appropriate reimbursement of money.

2. The Board, consisting of Messrs. Goldsmith, McCulloch and Pfeiffer, reviewed Petitioner's allegations of error and injustice on 4 November 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner was promoted from lieutenant junior grade, pay grade O-2, to lieutenant, pay grade O-3, effective 24 November 1998. He was released from active duty on 31 January 1999, however, his DD Form 214 does not reflect the promotion.

c. In correspondence attached as enclosures (2) and (3), the Navy Personnel Command offices with cognizance over the subject matter of this case have commented to the effect that Petitioner's request to backdate his promotion has merit and warrants favorable action. They recommend changing his lieutenant date of rank (and by implication, effective date) to 1 November 1998.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the Board's findings at paragraph 3.b above and the contents of enclosures (2) and (3), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by filing a DD Form 215 correcting his DD Form 214 to read "LT" rather than "LTJG" in block 4.a ("grade, rate or rank") and "O3" rather than "O2" in block 4.b ("pay grade").


b. That Petitioner's naval record be corrected further to show his date of rank and effective date in the grade of lieutenant as 1 November 1998; and that his lineal precedence be adjusted accordingly.

c. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

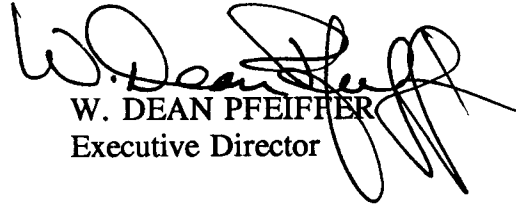
d. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

2846-99

5420

Ser 85/127

22 Jun 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LT [REDACTED] USNR [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending approval of [REDACTED] request to backdate his date of rank.
2. [REDACTED] was selected by the FY-99 Active Lieutenant Line Promotion Selection Board. Due to a delay in processing, his promotion appointment was approved after his projected date of rank of 1 November 1998. Although he specifically requests correction of pay from 24 November 1998, he is entitled to a date of rank of 1 November 1998. [REDACTED] current date of rank is 24 November 1998.
3. Recommend that his date of rank be backdated to 1 November 1998.

[REDACTED]
BCNR Liaison, Officer Promotions
and Enlisted Advancements Division



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

2846-99

1070
PERS-312E/08
27 SEP 1999

From: Commander, Navy Personnel Command
To: Executive Director, Board for Correction of Naval Records
Via: Assistant, Board for Correction of Naval Records (Pers-00Z)

Subj: ADVISORY OPINION ICOR [REDACTED]

Ref: (a) BCNR Docket Number 2846-99

1. The message issued by CNO (182355Z Dec 98) gave a deadline of 31 January 1999 for petitioning the BCNR. [REDACTED] request (DD Form 149) is dated 16 April 1999. However, given the facts and circumstances outlined in [REDACTED] petition, and based on the recommendation of PERS-85, it is our opinion that the member's date of rank be effective 1 November 1998.

[REDACTED]
By direction